IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3258 OF 2004

P.K.Mohammed.....PETITIONER

Versus

State of Maharashtra & Ors....Respondents

Ms.Mamta Sudh i/b. Meghraj & Associates, for the Petitioner
Mr. Milind More, A.G.P. for Respondent Nos. 1 to 3 and 6.
Mrs. A.R. Joshi for Respondent Nos. 4 and 5.

CORAM: F.I. REBELLO J.
DATE :22nd December, 2004

P.C.:

. Challenge is to the order dated 2nd June, 2004 which was the order passed by the Commissioner pursuant to the order of this Court dated 5-1-2000. On a perusal of the photopass it is clear that the construction was temporary and for residential purpose. Evidence has come on record that it has been converted into a permanent structure and further the possession has been handed over to one Balbirsingh Chib vide affidavit dated 29th July, 1994 without taking prior permission of the Government. This, in my opinion, is sufficient for the order to be passed. It is true that the petitioner contends that the building permission had been granted vide letter dated 26th October, 1994. A letter was received from the authority setting out that such building permission was not granted. Learned Counsel states that they have documentary evidence with them to show that in fact it was granted. Even if that be the case, protection will be for the structure in terms of the photopass. In the light of that

I do not find that the order of the Administrator & Commissioner suffers from any error apparent on the face of the record. No interference called for. Petition rejected.

(F.I.REBELLO, J.)